

THE RICHMOND DISPATCH.

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SATURDAY...OCTOBER 15, 1887.

The Ohio Case--Again.

Mr. Royall, the untiring counsel of the bondholders and the man who justifies Bond, writes us as follows:

To the Editor of the Dispatch:

You have frequently claimed that Judge Bond was guilty of usurpation in deciding the "coupon-craze" case as he did. I send you a printed copy of the record of Osborn vs. The Bank of the United States, a report of which you will find in 13th Wharton's Reports. This was a decision of the Supreme Court of the United States in 1824, and Chief-Justice Marshall delivered the opinion. On looking at page 49 of the record I send you will find that the Circuit Court of the United States put the Treasurer of the State of Ohio in jail for refusing to obey its decree. Will you kindly point out wherein there is any distinction between the decision of the Supreme Court in Osborn vs. The Bank and the decision of Judge Bond? And if you cannot point out any distinction how will you maintain your claim that Judge Bond usurped a jurisdiction?

WILLIAM L. ROYALL.

This is not the first time that this Ohio case has been called to our attention. We gave a full and fair report of it some time ago. We do not propose to discuss it now. So far as the question of suing a State is concerned, Mr. Royall may consider the authority of Chief-Justice Marshall, a Federalist of Federalists, who almost always decided against a State, better than that of Chief-Justice Waite, but we are not compelled to agree with him in that opinion.

Let us say, however, that the sum of fifty thousand dollars was involved in the Ohio case. There were not a dozen cases bunched together, as Bond allowed cases to be bunched in his court, in order to gain a jurisdiction which the law did not give. Nor were the proceedings in Ohio in violation of the Federal statute which forbids injunctions to be granted by any Federal judge to stay proceedings in any State court. Judge Bond "usurped" jurisdiction, therefore, both in granting injunctions forbidden by express law, and in bunched cases. In the Ohio case suit was brought in a Federal court not to enjoin a State court from proceeding in a case already begun, but enjoining an auditor not to proceed under the State law.

If Bond wrongfully bunched cases and wrongfully got jurisdiction by violating a United States statute, then he is a "usurper," as we have styled him, and not we only, but many of the best lawyers in Virginia.

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